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Paper No. 17

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JAN 13 2003

**OFFICE OF PETITIONS
ON PETITION**

In re Application of :
Linsley et al. :
Application No. 09/666,267 :
Filed: September 21, 2000 :
Attorney Docket No. 30436.11US06/SBA :

This is a decision on the petition under 37 CFR 1.182, filed September 30, 2002, requesting transfer of formal drawings from one of two listed patents.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.182." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

On April 22, 2002, an Office action was mailed indicating that the drawings filed failed to comply with 37 CFR 1.84.

Petitioner requests that the Office transfer "Formal Figures" from a previous application.

MPEP 608.02(i) states, "Transfer of drawings from a first pending application to another will be made only upon the granting of a petition filed under 37 CFR 1.182 which must set forth a hardship situation requiring such transfer of drawings."

37 C.F.R. 1.182 provides relief for situations that are not specifically provided for in the regulations and the granting of such relief will be decided in accordance with the merits of each situation.

MPEP 608.02(i) only provides for the transfer from pending applications. Drawings will not be transferred from patented files because such transfer would leave the public record incomplete.

Petitioner has failed to establish the existence of a hardship situation which would warrant transfer of the drawings. At times, a hardship would be imposed upon an applicant if drawings are not transferred. For example, if two applications are filed on the same day by the same applicant and each set of drawings is included in the wrong application, it *may* be possible under certain circumstances and upon petition, for the drawings to be switched in order for petitioner to have the original filing dates for the applications. Another instance, may be if petitioner files three sets of photographs with an application and does not retain any copies or negatives or such copies or negatives are lost or destroyed. In such a case, one set of photographs may be transferred depending on the exact circumstances. Expense to applicant will only warrant transfer in the most extreme and unusual of circumstances.

Petitioner may make a quality photocopy of the previously submitted formal drawings if a copy of such drawings was retained. In the alternative, petitioner may create new formal drawings. Neither of these methods imposes such a hardship that relief under 37 CFR 1.182 is proper.

The fee for a petition under 37 CFR 1.182 is \$130. The \$130 fee has been charged to petitioner's deposit account.

Since corrected drawings were not timely filed in compliance with the April 22, 2002 Office action, the application is abandoned.

37 CFR 1.181(f) states, "The mere filing of a petition will not stay any period for reply that may be running." Until petitioner received in hand a decision granting the petition, it was incumbent upon petitioner to supply the reply necessary to maintain pendency of the application.

It should be noted that the application would be abandoned even if the instant petition were granted since such a grant would not have been mailed prior to the last day to respond to the April 22, 2002 Office action.

Petitioner may wish to take steps to revive the application under 37 CFR 1.137.

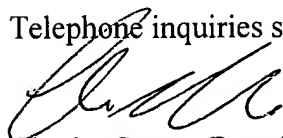
Further correspondence with respect to this matter should be addressed as follows:

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